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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**AMENDED NOTICE OF HEARING  
RE OBJECTION OF USACM  
LIQUIDATING TRUST TO PROOF  
OF CLAIM NO. 10725-00484-1 IN  
THE AMOUNT OF \$50,000 BY  
LESLIE B. HARKINS AND LINDA  
HARKINS; AND CERTIFICATE OF  
SERVICE**

Date of Hearing: November 15, 2011

Time of Hearing: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT  
YOU FILED. THE USACM TRUST SEEKS TO DISALLOW IN FULL PROOF  
OF CLAIM NO. 10725-00484-1.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS  
REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN  
HINDERAKER (520-629-4430).**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
through its counsel, has filed its Objection to Proof of Claim No. 10725-00484-1 filed by  
Leslie B. Harkins and Linda Harkins, (with Certificate of Service) (the "Objection"). The



1 first page of your Proof of Claim as required by Nevada LR 3007, is attached to the  
 2 Objection as **Exhibit A**. The USACM Liquidating Trust has requested that this Court  
 3 enter an order, pursuant to section 502 of title 11 of the United States Code (the  
 4 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
 5 “Bankruptcy Rules”), to disallow your Proof of Claim in full.

6 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
 7 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
 8 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
 9 **November 15, 2011, at the hour of 9:30 a.m.**

10 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
 11 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
 12 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
 13 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

14 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
 15 response to the objection must be filed and service must be completed no later than  
 16 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
 17 facts and any relevant legal authority.

18 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 19 pleading with the Court. You *must* also serve your written response on the person who  
 20 sent you this notice.

21 If you do not file a written response with the Court, or if you do not serve your  
 22 written response on the person who sent you this notice, then:

- 23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 24 • The Court may *rule against you* and sustain the objection without formally
- 25 calling the matter at the hearing.

LEWIS  
AND  
ROCA  
LLP  
LAWYERS

1 DATED this 22nd day of September, 2011.

2 LEWIS AND ROCA LLP

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4 By /s/ John Hinderaker (#18024)  
5 Robert M. Charles Jr. NV 6593  
6 John C. Hinderaker, AZ 18024 (*pro hac vice*)  
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*Attorneys for the USACM Liquidating Trust*

10 Copy of the foregoing  
11 mailed by first class postage prepaid on  
12 September 22, 2011 to:

13 Harkins 2001 Revocable Trust Dtd 8/23/01  
14 Leslie & Linda Harkins Ttees  
15 5360 Bellazza Court  
16 Reno, NV 89519

17 LEWIS AND ROCA LLP

18 /s/Renee L. Creswell  
19 Renee L. Creswell

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